



Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

JANUARY 14, 2019

9:30

Calendar No. 18-279:

3671 West 48 Street

Ward 14

Jasmine Santana

11 Notices

Stanley Barker, owner, proposes to erect a 12' x 22' 1 story frame kitchen addition to an existing single family residence in a C2 General Retail Business District. The owner appeals for relief from the strict application of Section 357.09(b)(2)(B) of the Cleveland Codified Ordinances which states that the aggregate width of the interior side yards shall not be no less than 10 feet and the owner is proposing 9 feet 6 inches (side porch). (Filed December 7, 2018)

9:30

Calendar No. 18-280:

**3598 W. 120 St./Waste
Collection Appeal**

Ward 11

Dona Brady

Michael Kutsick, owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision of the hearing examiner in Parking Violations Bureau on November 27, 2018 concerning the City of Cleveland Waste Collection issuance of Civil Infraction Ticket Number WC40051385 issued October 2, 2018 regarding failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances. (Filed October December 10, 2018)

9:30

Calendar No. 18-281:

2299 Columbus Rd.

Ward 3

Kerry McCormack

5 Notices

Randy Kelly, owner, proposes to erect a 16' x24' 1 story frame kitchen addition to an existing single family residence in a B1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.08 which states that the depth of the required rear yard shall be not less than 20 feet and the owner is proposing 9 feet 11 inches.
2. Section 357.09(b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot. The distance to a main building on the side lot is 8 feet 3 inches. (Filed December 10, 2018)

9:30

Calendar No. 18-282: 15508 Holmes Ave.

**Ward 8
Michael D. Polensek
11 Notices**

DeCarlo Henderson, owner, proposes to establish use as a daycare in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 337.02(f)(3)(C) which states that a daycare facility is permitted if located not less than thirty (30) feet from any adjoining premises in a Residence District not used for a similar purpose, and is subject to the review and approval of the Board of Zoning Appeals. (Filed December 10, 2018)

9:30

Calendar No. 18-283: 1575 Merwin Avenue

**Ward 3
Kerry McCormack
10 Notices**

Target Industries Inc., owner, proposes to re-establish use as a lounge with entertainment in a B3 General Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. 349.04(e) which states that one for each 6 seats or total parking area equal to 3 times the gross floor area, whichever is greater; is required. No accessory off-street parking is provided.
2. Section 347.12(a)(2) which states that no such use shall be established within five hundred (500) feet of another such use. In this case the proposed use is within 500 feet of the Hustler Club at 1101 Center Street.
3. Section 359.02 which states that a non-conforming use of a building or premises which has been discontinued shall not hereafter be returned to such non-conforming use. (Filed December 11, 2018)

9:30

Calendar No. 18-284: 4814 Bridge Avenue

**Ward 3
Kerry McCormack
17 Notices**

Charlie Denk, owner, proposes to use property for a boutique cooking school in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 337.03(b) which states that in a Two-Family Residential District, uses are permitted as regulated in a One-Family Residential District.
2. Section 337.02(g)(3)(a) which states that a private school must be 30 feet away from an adjoining premises in a residential district, and requires the approval of the Board of Zoning Appeals.
3. Section 349.04(c) which states that accessory off-street parking is required at the rate of one space per each two employees plus one space per 10 students. (Filed December 11, 2018)

POSTPONED FROM NOVEMBER 19, 2018

9:30

Calendar No. 18-239:

3547 E. 49 St.

Ward 12

Anthony Brancatelli

6 Notices

Number Three Grace LLC., owner, proposes to establish use as a used truck sales lot on two parcels (to be consolidated) in a B3 Residence Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 342.02 which states that the use of the property in Residence Industry zoning district for second hand truck sales lot is not permitted but is first permitted in Semi- Industry zoning district per 345.03(c)(1)
2. Section 345.02(e) which states that adequate off street parking of trucks in is required to be screened from the streets or not nearer than fifty (50) feet to streets.
3. Section 345.02(f) which states that in a Residence Industry District, entrance and exit to any building or premises are from a street designated as a major thoroughfare on the general plan adopted by the City Planning Commission or, if the premises in question does not abut such street, than from any street approved by the Board of Zoning Appeals if it finds the probable volume and type of traffic to such premises will not change materially the existing character of such streets nor be detrimental to the adjoining or adjacent residential area. No such designation has been made by the City Planning Commission, BZA review and approval as noted is required.
4. Section 347.11(b) which states that all open areas of permanent use open sales lots that are intended either for display or for use as vehicular areas, shall be surfaced with asphalt, Portland cement, brick, paving block, or other dustless hard-surfaces, impervious all weather material approval by the Commissioner of Building and Housing. Gravel lot is proposed.
5. Section 347.11(c) which states that all permanent use open sales lots shall be graded for proper drainage. Storm water runoff shall be discharged into the City storm sewers or in another manner approved by the Director of Public Service. Water shall not be permitted to drain across public sidewalks or onto abutting lots. No grading or drainage plan submitted, no drains proposed on site plan.
6. Section 349.07(a) which states that accessory off street parking areas are required to be paved and drained and a gravel parking area proposed. No parking space striping shown on plan,
7. Section 349.08 which states that where five (5) or more accessory off-street parking spaces are provided, and are located on a lot that adjoins a building containing dwelling units, such parking spaces shall be screened from a building containing dwelling units, by an opaque wall, a uniformly painted fence of fire-resistant material or a strip of land at least four (4) feet wide and densely planted with shrubs that form a dense screen year round. No screening from adjoining lot containing dwelling unit(s) is proposed.
8. Section 349.05(a) which states that no parking space shall be located within ten (10) feet of any wall of a residential building or structure if such wall contains a ground floor opening designed to provide light or ventilation for such building or structure. (Filed October 19, 2018- Testimony Taken)*FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR TIME TO UPDATE THE SITE PLAN TO SHOW SCREENING, STRIPING, PAVING AND LOT CONSOLIDATION; AND TO ALLOW FOR TIME FOR THE APPELLANT TO MEET WITH CITY PLANNING.*

